

Enforcement Actions

March 4, 2009

According to Neb. Rev. Stat. §§ 76-2239 and 76-2240, the Nebraska Real Property Appraiser Board may revoke or suspend the credential or otherwise discipline a credential holder or deny any application for any of the acts or omissions set forth in section 76-2238. Upon receipt of information indicating that a credential holder may have violated any provision of the act, the Board shall make an investigation of the facts to determine whether or not there is evidence of a violation. If a formal complaint is filed, the matter may proceed to formal hearing, determination and order by the Board. The Board may enter into a consent agreement instead of a proceeding to a formal determination of violation. A formal complaint for which a consent agreement or formal determination of violation is entered is reported to the Appraisal Subcommittee of the Federal Financial Institutions Examining Council, and is reported here in a format as adopted by the Board. Violation of the act or the rules and regulations during a period of probation shall cause immediate execution of a suspension penalty.

The Nebraska Real Property Appraiser Board adopted a motion for format for publishing of enforcements. The following motion was adopted February 21, 2007. The motion reads as follows: "All disciplinary actions will be published . . . using the agreed upon format of case number, name, items of agreement or order and include any fees paid by the respondent with the effective date of the disciplinary action as of January 1, 2006.

The following actions have been taken:

02-28 Michael Raasch (CG920269), by agreed settlement dated November 16, 2006.

The appraiser agreed to be placed on probation for a period of one year based on the following terms and conditions: return his original credential and be issued a pocket card marked probationary; notify the Board in writing once per quarter of all work covered by his credential and performed by him during the prior quarter; the Board may select up to ten reports for external review and the appraiser shall pay for each appraisal reviewed; no supervision or training of any appraiser; and pay attorney fees and expenses incurred by the Board in the amount of \$2,500.

Mr. Raasch has notified the Real Property Appraiser Board that he is retired from appraising real property as of March 15, 2008. He submitted his current pocket card.

03-18 Betty Holliday (CR980116), by agreed settlement dated May 24, 2006.

The appraiser agreed to no longer perform mass appraisals governed by Standard 6 of the Uniform Standards of Professional Appraisal Practice and shall restrict appraisal practice to those appraisals governed by Standard 1 through Standard 5; and to not accept any assignments for any mass appraisal in any county in the state. No legal fees were assessed.

05-05 Donald F. Lloyd (L920240), by agreed settlement dated April 21, 2006.

The appraiser agreed to surrender his credential to the Board and never reapply for a credential in the State of Nebraska.

05-14 Timothy Rounds (CR940262), by agreed settlement dated June 21, 2006.

The appraiser agreed to not perform commercial appraisals; to be placed on probation for a period of four months; at his own expense, successfully complete a two-day tested National Uniform Standards of Professional Appraisal Practice Course, a Sales

Comparison Approach class (15- hours), an Income Approach class (15-hours); and pay attorney's fees and expenses incurred by the Board in the amount of \$899.

05-15 Jeanne McDonald (CR940255), by Board Order, dated August 30, 2006.

Case 05-15 proceeded to formal hearing. The Nebraska Real Property Appraiser Board ordered: suspension of appraiser's credential for a period of sixty (60) days; upon completion of the suspension period, complete a probationary period of six (6) months consisting of notification of the Board in writing at least once each month of all work performed by her or under her supervision during the prior calendar month; submit, at the Board's request up to 12 reports for external review with review fees to be paid by the Appraiser; at her expense, successfully complete a minimum two-day National Uniform Standards of Professional Appraisal Practice class; a Sales Comparison Approach class (15-hours); and pay attorney's fees and expenses and hearing officer fees incurred in the amount of \$3,470.69.

05-25 Patrick Morrissey (CG920553), by agreed settlement, dated November 16, 2006.

The appraiser agreed to successfully complete, at his own expense, the National Uniform Standards of Professional Appraisal Practice Course (two-day) and a Narrative Report Writing Class (in excess of twenty (20) hours) within six months of the settlement; and to pay attorney's fees and expenses incurred in the amount of \$1,108.00.

05-29 Thomas Slack (CG250270R), by agreed settlement, dated December 19, 2006.

The reciprocal appraiser from Kansas agreed to surrender his credential and never reapply for a credential in the State of Nebraska, and agrees to pay a portion of the attorney's fees and expenses in the amount of \$3,000.

06-16 Kenneth Tranel (L260149R), by agreed settlement, dated December 20, 2007.

The reciprocal appraiser from Colorado agreed to surrender his credential and agreed to not conduct any appraisal practice relating to Nebraska real estate for a period of at least one year and pay attorney fees in the amount of \$3,000. This agreed settlement has not been met to date. The credential has been surrendered but the attorney fees have not been paid as agreed.

06-18 June Wingate (L240017), by consent agreement, dated August 23, 2007.

The appraiser agreed to complete a 15-hour Sales Comparison and a 15-hour National Appraisal Foundation USPAP course by December 31, 2007. Terms of consent agreement have been met.

06-24 Stan Wolkins (CG240104R), by agreed settlement, dated January 25, 2007.

The reciprocal appraiser from Iowa agreed not to make, publish, or distribute materials or otherwise make representations substantially similar to materials which represent that a property owner or any other person or entity for which the appraiser conducts an appraisal will be paid or otherwise compensated for the appraisal. Terms of agreed settlement have been met.

06-26 Scott Hansen (CR230034R), by consent agreement, dated May 22, 2007.

The reciprocal appraiser from Iowa agreed to complete a 15-hour Residential Report Writing course and an AQB 15-hour Appraisal Foundation's USPAP course by August 31, 2007. Terms of consent agreement have been met.

07-01 Keith Bull (CG940193), by consent agreement, dated May 22, 2007.

The appraiser agreed to complete a 15-hour narrative report writing course and an AQB 15-hour Appraisal Foundation's USPAP course by August 31, 2007. Terms of consent agreement have been met.

07-05 and 07-17 Thomas Millie (L240089), by consent agreement, dated February 21, 2008

The appraiser agreed to complete a 15-hour Residential Report Writing and Case Studies course and a 15-hour AQB Approved National USPAP course by July 1, 2008. Terms of consent agreement have been met.

07-14 David Holland (CG930144), by consent agreement, dated June 16, 2008.

The appraiser agreed to complete a 15-hour AQB Approved National USPAP course; 30-hour General Market Analysis & Highest & Best use; and 30-hour General Appraiser Report Writing course by December 31, 2008. In addition, submitted report for review with review fee of \$300.00. Terms of consent agreement have been met.

07-16 Dex Peterson (CG920234), by consent agreement, dated February 21, 2008.

The appraiser agreed to complete a 30-hour Residential Sales Comparison & Income Approach course and an AQB approved 15-hour National USPAP course to be completed by July 1, 2008. Terms of consent agreement have been met.

07-18 Lynn Swanson (L920287), by consent agreement, dated February 13, 2008.

The appraiser agreed to complete an AQB approved National USPAP course; a 15-hour Residential Market Analysis and Highest and Best Use course; and a 30-hour Residential Sales Comparison and Income Approaches courses by September 1, 2008. Terms of consent agreement have been met.

07-20 Stanley Wolkins (CG240104R), by request of the Appraiser Board.

The appraiser agreed to return to the license credential that he has earned in Nebraska upon returning as a resident of Nebraska. Did not apply in Nebraska as a certified general but returned with a reciprocal credential as a resident. Board requested certified credential be surrendered and a license credential issued. November 15, 2007, pocket card and wall document were returned and appropriate credential issued.

07-22 Eldon F. Kohl (R950166), by failure to meet consent agreement 1/17/2008.

The appraiser agreed to 15-hour AQB Approved National USPAP course; 30-hour Residential Sales Comparison & Income Approaches course; and 15-hour Residential Report Writing & Case Studies. Credential suspended until complete education. In addition, appraiser must submit demonstration residential report and \$250.00 review fee. Board granted extension consent agreement until 3/10/2008. Notice to proceed to formal hearing by failure to meet consent agreement. 5/28/2008, legal counsel notified Board of decision by appraiser to surrender credential. 6/19/2008, received pocket card. The decision to surrender the credential was accepted by majority vote of Appraiser Board. 6/26/2008 office proceeded to inactivate credential R950166.

07-24 Doug Skarin (CR250301R), by Order of Surrender.

Following formal hearing and recommendation of surrender by hearing officer on 5/16/2008, the Board ordered surrender of credential and payment of fees in the amount of \$5,200.80. Forwarded to Attorney General's office for failure to comply on 7/17/2008. Credential inactivated by Board. Attorney General's office proceeding to collect fees.

07-26 Kenneth Tranel (L260149R), by failure to meet consent agreement dated December 20, 2007.

The reciprocal appraiser from Colorado agreed to surrender his credential and agreed to not conduct any appraisal practice relating to Nebraska real estate for a period of at least one year and pay attorney fees in the amount of \$3,000. This agreed settlement has not been met to date. The credential has been surrendered but the attorney fees have not been paid as agreed. Case #07-26 was combined with 06-16 and is considered closed.

08-04 John Guinan (L250073), by consent agreement dated 6/19/2008.

The appraiser agreed to complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing & Case Studies by December 31, 2008. The appraiser will have a board-approved mentor for the length of one year who will report to the Appraiser Board in six month intervals. The mentor will maintain a log of assignments indicating the appraisals have been reviewed by the mentor. The effective date of the signed consent agreement or 6/19/2008 indicates the date the consent agreement became effective and ends one year from that date for the approved mentor. 11/20/2008 Appraiser Board voted to grant a 90-day extension for the education requirement making the due date March 16, 2009.

08-06 Hope Shotbolt (R260203), by failure to meet consent agreement dated 5/1/2008.

The appraiser agreed to complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing & Case Studies due by August 31, 2008. Appraiser failed to meet the due date without requesting an extension of time to complete the consent agreement. Board voted to proceed to formal hearing. Forwarding notice to proceed to formal hearing prompted a call from appraiser describing her inability to meet the requirements at this time. 11/20/2008 Board voted to inactivate credential until consent agreement is met.

08-08 Daniel L. Wilder (CR940263), by consent agreement dated 7/30/2008.

The appraiser agreed to complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing & Case Studies course in addition to a 30-day suspension of his credential. Consent agreement to suspension became effective 8/5/2008 and was completed by 9/5/2008. 9/11/2008 received completion documents for the required education. 9/17/2008 Board accepted terms and closed case.

08-10 Eldon Kohl (R950166), failure to meet consent agreement.

Combined with Case #07-22. Please refer to Case #07-22 for disposition.

08-11 James Shively (L250014), by consent agreement dated 12/19/2008.

The appraiser agreed to complete a 15-hour AQB approved National USPAP course and a 30-hour Sales Comparison & Income Approaches course by 6/30/2009. In addition the appraiser is required to surrender his credential for a 60-day period effective 1/15/2009 and ending 3/15/2009. Appraiser cannot accept assignments or perform duties or practice in a supervisory or advisory capacity during suspension.

08-13 Donald Reed (CR2100002R), by consent agreement dated 1/15/2009.

The reciprocal appraiser agreed to complete a 15-hour AQB approved National USPAP course; a 15-hour Residential Report Writing & Case Studies course; and 15-hour Residential Market Analysis & Highest & Best Use course by 7/31/2009. In addition, the

appraiser will surrender his Nebraska credential effective 1/15/2009 and ending 3/15/2009. Appraiser cannot accept assignments or perform duties or practice in a supervisory or advisory capacity during suspension.

08-15 Michael S. Powers (CR260210), by consent agreement dated 12/17/2008.

The appraiser agreed to complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing & Case Studies course. In addition, the appraiser will submit a quarterly log w/\$150 fee for residential review. The consent agreement is in effect for one year from the date the consent agreement is signed. The education must be completed by 6/30/2009. The appraiser cannot perform duties or practice in a supervisory or advisory capacity until the terms of the consent agreement are closed.

08-19 Frank Ferraro, Jr. (L220028), by consent agreement dated 12/14/2008.

The appraiser agreed to complete a 15-hour AQB approved National USPAP course and a 30-hour Sales Comparison & Income Approaches course. The education must be completed by 6/30/2009.